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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELIZABETH WEAR and JOHN
BUTCHER, and CARMEN WORSTELL,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

SPRINT COMMUNICATIONS
COMPANY, L.P., QWEST
COMMUNICATIONS COMPANY, LLC;
LEVEL 3 COMMUNICATIONS, LLC; and
WILTEL COMMUNICATIONS, LLC,

Defendants.

Case No: 2:11-cv-00809-KJD-GWF

DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO
RESPOND TO THE COMPLAINT

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), defendants Sprint Communications Company L.P., Qwest Communications Company, L.L.C., Level 3 Communications, L.L.C., and WiTel Communications, L.L.C. (collectively "Defendants") hereby move the Court for an extension of time to respond to plaintiffs' Amended Class Action Complaint (the "Complaint") to and including August 2, 2012. In support of this motion, Defendants state:

1. Plaintiffs consent to the extension of time requested in this motion.

2. A number of class action lawsuits involving subject matter similar to this lawsuit (together with this action, the "Related Class Actions") are pending in courts around the country. The Related Class Actions concern the installation of fiber-optic cable and related telecommunications equipment within railroad rights of way across the country.

3. With the assistance of the mediator Professor Eric D. Green, counsel for the various parties in the Related Class Actions (the "Parties") have reached agreement on the substantive terms of a settlement of the claims in the Related Class Actions, subject to: (a) finalizing settlement documentation, (b) obtaining final corporate approvals, and (c) implementing the procedural steps necessary to present proposed class action settlements to the multiple courts involved.

4. The Parties have made significant progress in finalizing and implementing class action settlement agreements in a number of the Related Class Actions pending around the country. For example, among other things, the Parties have made the following progress:

- a. The Parties have obtained *final* court approval of class action settlements in five states: Alabama, Idaho, Illinois, Montana, and North Dakota.
- b. The Parties have obtained *preliminary* approval of class action settlements in eight states: Arkansas, Colorado, Kansas, Michigan, Nebraska, Oklahoma, West Virginia, and Wyoming.
- c. The Parties have submitted proposed class action settlements and are

awaiting preliminary approval in *thirteen* other states, in addition to the states mentioned above: Delaware, Florida, Georgia, Iowa, Maine, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, Utah, and Virginia.

5. Defendants' responses to the Complaint are currently due on or about May 4, 2012. The Parties continue to work on settlement issues, but require more time before they would be ready to submit a proposed Nevada settlement for this Court's consideration.

6. Defendants request a 90 day extension of time within which to respond to the Complaint, *i.e.*, an extension to and including August 2, 2012.

7. No previous extensions of this deadline have been granted. No scheduling order has been entered in this action. The requested extension will not affect any other deadlines applicable in this case.

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1 Wherefore, Defendants respectfully request entry of an order extending
2 Defendants' deadline to respond to the Complaint by 90 days, i.e., to and including
3 August 2, 2012.

4 Dated this 1st day of May, 2012.

5 MCDONALD CARANO WILSON LLP

6
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14 (Local Counsel)

15 Attorneys for Defendants

16 *Qwest Communications Company, LLC,*

17 *Level 3 Communications, LLC,*

18 *Sprint Communications Company, L.P.*

19 *And Wiltel Communications, LLC*

20 IT IS SO ORDERED.

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23 GEORGE FOLEY, JR.

24 United States Magistrate Judge

25 DATED: May 2, 2012

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MCDONALD·CARANO·WILSON^{LLP}

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CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson ^{LLP} and that pursuant to LR 5-3 I caused to be electronically filed on this date a true and correct copy of the **DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO THE COMPLAINT** with the Clerk of the Court using the CM/ECF system, which will automatically e-serve the same on the attorney of record set forth below.

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DATED this 1st day of May, 2012.

\s\ Nancy A. Hoy
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